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Attorney for Defendant
KAYMEISHA KEYES

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	2:22-cr-00174-JAM
)	
Plaintiff,)	SENTENCING MEMORANDUM
)	
v.)	
)	Date: September 17, 2024
)	Time: 9:00 a.m.
KAYMEISHA KEYES,)	Hon. John A. Mendez
)	
Defendant.)	
_____)	

INTRODUCTION

Defendant KAYMEISHA KEYES respectfully submits this sentencing memorandum for the Court's consideration prior to imposing a sentence in the above case. Ms. Keyes requests that the Court sentence her to 60 months incarceration, to be followed by a two-year term of supervised release. Such a sentence is reasonable and sufficient to meet the goals of sentencing under 18 U.S.C. § 3553(a).

Defendant, KAYMEISHA KEYES is scheduled to be sentenced by this Court on September 17, 2024. Probation recommends a sentence of 110 months plus 24 months for a total of 134 months which is the low end of the sentencing guideline of 110 months to 137 months imprisonment. In contrast, the defense believes that Ms. Keyes total offense level should be level 22 and that her criminal history is overstated and should in fact be level V. Defense feels

1 that a further downward departure is appropriate given mitigating information in her personal
2 history and requests the Court impose 60 months incarceration.

3 4 **PROCEDURAL HISTORY**

5 On February 13, 2024, Kaymeisha Keyes pled guilty to Count One (1) and Count Sixteen
6 (16) of the information (ECF 37), which charges Wire Fraud, in violation of 18 U.S.C. § 1343
7 (Count 1) and Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A (Count 16). By
8 accepting responsibility and pleading to an information, she conserved government resources
9 that would otherwise be expended convening a grand jury and presenting witnesses and
10 evidence. The United States Probation Office (USPO) has prepared a Presentence Report (PSR)
11 (ECF 45) and concluded the advisory United States Sentencing Guidelines (USSG) in this case
12 are: Total Offense Level 25, Criminal History Category VI. United States Probation Office
13 recommends a sentence of 110 months for Count One plus 24 months for Count Sixteen,
14 consecutive for a total of 134 months.

15 16 **PERSONAL AND FAMILY HISTORY**

17 Kaymeisha Keyes, age 33, was born and raised into generational poverty, crime, and
18 addiction. Ms. Keyes was born on August 17, 1991 in Berkeley, California to Lavelle Lenior
19 and Deshanee Jackson. Ms. Keyes' parents were 15 years old when Ms. Keyes was born. Ms.
20 Keyes has three younger siblings from her mother: brother Deuntae Williams, age 31, sister
21 Destiney Johnson, age 28, and sister Eziah Baskin, age 21. PSR ¶ 65. Ms. Keyes also has a 9-
22 year son, Jahseer Pullum, who currently resides with his maternal grandmother. PSR ¶ 71.

23 Ms. Keyes' father died tragically when she was only 8 years old. Ms. Keyes' mother
24 drank excessively and passed out frequently leaving Kaymeisha to take care of her three younger
25 siblings. PSR ¶¶ 65, 67. Ms. Keyes dropped out of high school in 10th grade due to having to
26 care for her younger siblings. PSR ¶ 78.

27 Ms. Keyes' life is fraught with trauma. On July 14, 1999, Kaymeisha Keyes's father,
28

Lavelle Lenior was killed by California Highway Patrol officers during a traffic stop. See Exhibit 1. She describes being very close to her father growing up. In her words, she was “daddy’s little girl.” Ms. Keyes was only 8 years old when her father died which had a significant impact of her future life. Further trauma occurred when Ms. Keyes was a teenager, and she lost a friend to a shooting. Additionally when Ms. Keyes was 24, she and her son’s father were shot while driving by unknown assailants. Ms. Keyes still has a bullet in the right side of her neck. See PSR ¶¶ 70, 72, Exhibit 2, Letter to court from Kaymeisha Keyes.

Ms. Keyes was prescribed opiates when she was hospitalized for gunshot wounds. She continued to use opiates even after her prescriptions ran out. Eventually she began using fentanyl laced, fake oxycodone pills. She admits that she prefers fentanyl opiates over real oxycodone. PSR ¶ 75; Ex. 2. Since being in jail, Ms. Keyes has attended online classes in Nevada County Jail for substance abuse and anger management and attends Narcotics Anonymous and Alcoholics Anonymous classes. PSR ¶ 77, Exhibit 3, Education transcripts for Kaymeisha Keyes. Ms. Keyes has expressed interest in continuing drug treatment and mental health counseling and would benefit from the Residential Drug Abuse Program (RDAP) while serving her sentence at BOP.

SENTENCING MEMORANDUM

The first thing that jumps out about Ms. Keyes’ Presentence Investigation Report is that she didn’t receive a reduction for Acceptance of Responsibility. USSG 3E1.1 only requires that a defendant truthfully admit the conduct comprising the offense and not deny any additional conduct for which a defendant is accountable for as relevant conduct. It does not require a defendant to reveal every detail about their involvement. The Plea Agreement states, “The government will recommend a two-level reduction (if the offense level is less than 16) or a three-level reduction (if the offense level reaches 16) in the computation of her offense level if the defendant clearly demonstrates acceptance of responsibility for her conduct as defined in U.S.S.G. § 3E1.1.” ECF 35. This three-level reduction would drop the offense level from 25

1 down to offense level 22.

2 The other aspect of her case that stands out is the fact that her criminal history is
3 "overstated." In PSR paragraphs 46, 47, 48, and 49, she is sentenced on the same day - December
4 15, 2014. Those four cases account for more than half of her criminal history points (9 out of
5 17). Further, she is in the highest criminal history category without ever entering any state
6 prison. Her criminal history should be adjusted from 17 criminal history points to 11 criminal
7 history points. This reduction in points reduces her criminal history level from VI to criminal
8 history level V.

9
10 Based on an adjusted offense level of 22 and criminal history category of V, Ms. Keyes
11 sentencing guidelines range should be 77 – 96 months.

12 Ms. Keyes asks this Court to sentence her to 60 months custody, to be followed by a two-
13 year term of supervised release. Such a sentence is reasonable in light of Ms. Keyes' personal
14 history, her life without consistent parenting, serious and repeated traumas, and lack of any
15 meaningful attempts at rehabilitation. The requested sentence is sufficient, but not greater than
16 necessary, to achieve the purposes of sentencing under 18 U.S.C. § 3553(a).

17 **CONCLUSION**

18 In support of the defense's request for leniency, family and friends of Kaymeisha Keyes
19 have provided letters in support of Ms. Keyes. Exhibit 4. For all the aforementioned mitigating
20 reasons, the defense respectfully requests that the Court allow for a downward departure and
21 sentence Ms. Keyes to 60 months incarceration.

22
23 Dated: September 10, 2024

/s/ Jennifer Mouzis
JENNIFER MOUZIS
Attorney for Defendant
KAYMEISHA KEYES

EXHIBIT 1

**SFGATE**

Newsletters

NEWS | BAY AREA & STATE

CHP Officer Kills Driver In Richmond / Dead man reportedly had tried to run cop down

By **Henry K. Lee**

July 15, 1999

**1999-07-15 04:00:00 PDT LIVERMORE -- A**

Livermore man stopped for speeding was shot and killed by a California Highway Patrol officer early yesterday after the man drove toward a concrete barrier with the officer caught in a car window, police said.

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1. CHP officer kills driver

SFGATE

Lavalle Lenoir, 23, who had a record of police run-ins, was shot once about 1:50 a.m. by CHP Officer John Zatezalo, 28, after being pulled over in the parking lot of a Bakers Square restaurant on San Pablo Avenue off Interstate 80 in Richmond, authorities said.

Lenoir was pronounced dead at John Muir Medical Center in Walnut Creek. Zatezalo received minor injuries and was treated at Doctors Medical Center in San Pablo.

Zatezalo had pulled over Lenoir and a female passenger because the driver had been going as fast as 90 mph on eastbound Interstate 80, police said.

in the car window and was dragged a short distance."

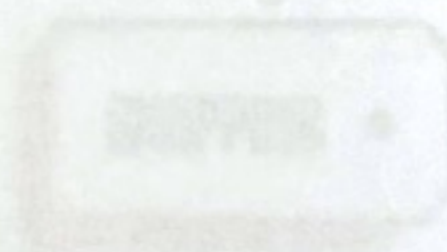
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As the suspect drove toward a concrete barrier, Zatezalo feared that he was going to be crushed and fired his service weapon, police said.

Investigators said they had not determined whether Lenoir was under the influence of drugs or alcohol. It was not known why the

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4 violent attacks occurred in less than an hour in SF, police say

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SHOPPING

"The driver attempted to run the officer down with the vehicle," said Richmond police Sgt. Allwyn Brown. "The officer was entangled in the car window and was dragged a short distance."

As the suspect drove toward a concrete barrier, Zatezalo feared that he was going to be crushed and fired his service weapon, police said.

Investigators said they had not determined whether Lenoir was under the influence of drugs or alcohol. It was not known why the

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suspect decided to drive off, Brown said.

Lenoir has past arrests on charges related to weapons and drug possession, court records show. At the time of his death, Lenoir's driver's license was suspended because he had not appeared in court for a variety of driving offenses, including speeding, according to the Department of Motor Vehicles.

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Zatezalo, a three-year CHP veteran assigned to the department's Oakland office, is off-duty pending an investigation by Richmond police and the Contra Costa County district attorney's office. Zatezalo's partner, Brent Pucci, was at the scene of the shooting but did not fire his weapon, authorities said.

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Lenoir's passenger, whose name was not released, was not injured and was questioned by investigators.

July 15, 1999

By **Henry K. Lee**



Henry K. Lee has been a reporter for KTVU-TV since 2015. Prior to that he worked for the San Francisco Chronicle for more than a decade. He covers breaking news, crime, courts and aviation. He has appeared on television and radio programs to discuss high-profile cases and is the author of "Presumed Dead — A True-Life Murder Mystery," about the Hans Reiser murder case in Oakland.

He studied premed at UC Berkeley before graduating with a psychology major and was a reporter and editor at the Daily Californian student newspaper on campus.

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EXHIBIT 2

Dear Honorable John A Mendez,

My name is Kaymeisha S. Keyes, I'm writing this letter to express my deepest remorse for my actions and the harm I have caused to my family, the victims and myself. I understand that my behavior was unacceptable and that it has had significant impact on their lives. I take full responsibility for my actions, and I am committed to making amends by paying my debt back to society, becoming a pillar of my community, and being the best mom I can be. The letter you will read below will give you an insight into who I am ~~and~~ on not just another case file on your desk.

As a little girl I was one of the brightest little girls in school. I was in the gifted program that allowed me to skip a grade in elementary school. I enjoyed what it had to offer me. Both parents raised me, but I spent most of my time with my dad. I was a daddy's little girl. My dad was the strongest man to me and stood tall as my hero. He was my everything. As you noticed I described him in past tense because my dad was taken away from me at the age of 8. He was killed by highway patrol in 1999, a day I will never forget. My young life was shattered into a million pieces and I am still trying to put it back together today.

As a teenager I began to hang out more with my friends

as teenagers do. On this particular night i did not know my life would take another turn for the worse. The day started as normal, i dont remember everything but what i do remember is that one of my friends was shot and killed that night. It was one of the scariest days of my life. That situation took me back to that scared 8-year-old girl when my dad lost his life by a gun.

Fast forward to me being a grown woman and a mother now. My childs father and i were on the freeway going home. As we drove through the toll we heard something hit the car and i thought maybe we ran over something, but then the hits begin to get louder and closer with whistling noises. I saw blood coming from my childs fathers face and i started to feel tingling feelings in my body. I drove fast to the nearest hospital. I was shot 7 times and we were both hospitalized for 10 days. I still have a bullet lodged in the back of my neck that hurts daily. The doctors prescribed Percocet pain pills. Unfortunately i became heavily dependent on pills, not only did they numb the physical pain they numbed the mental pain as well. Soon after i fell into a life of crime to support my drug addiction. Taking the pills helped me get through PTSD not only from being shot but also from the trauma i endured from the young age of 8. These last two years of my incarceration ive noticed a lot about myself and my actions ive committed. I know now i need to

face my years of trauma and get mental help from a therapist to find a better way to cope with my past trauma instead of being dependent on drugs or a lifestyle of crime. I owe my son an enormous apology but the best way to show him is change behavior and i am ready to change for myself first then my son

I understand that my actions have serious consequences and i am committed to doing everything in my power to address the harm that i have caused. I am grateful for the opportunity to express my remorse and to take steps towards making things right. Thank you for taking the time to read my letter.

EXHIBIT 3

Transcript for KAYMEISHA KEYES | CollabornNation®

Training Title	Type of Event	First Access / Issue Date	Last Access / End Date	CEU	Clock Hours	Event Status	Score	Mastery Score	Cert. Given	Provider Name	Provider Address
A Student Guide to Drug and Alcohol Abuse	E-Learning Course	Jan 31, 2024	Jan 31, 2024	0.05	0.50	Passed	0	-	Jan 31, 2024	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Adapting to Change	E-Learning Course	Jan 31, 2024	Jan 31, 2024	0.05	0.50	Passed	0	-	Jan 31, 2024	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Anger Management	E-Learning Course	Jan 30, 2024	Jan 30, 2024	0.1	1.00	Passed	100	-	Jan 30, 2024	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Choosing the Best Solution	E-Learning Course	Feb 1, 2024	Feb 1, 2024	0.15	1.50	In Progress	0	-	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Cognitive Awareness	E-Learning Course	Jun 18, 2023	Jan 31, 2024	0	2.50	Complete	100	-	Jan 31, 2024	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Cognitive Awareness	E-Learning Course	Feb 1, 2024	Feb 1, 2024	0.1	1.00	Passed	0	-	Feb 1, 2024	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Critical Thinking and Decision-Making	E-Learning Course	Feb 1, 2024	Feb 1, 2024	0.1	1.00	Passed	100	-	Feb 1, 2024	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
PREA VIDEO	E-Learning Course	Jun 18, 2023	Jun 18, 2023	0	0.00	Passed	100	100	Jun 18, 2023	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
SPANISH PREA VIDEO	E-Learning Course	-	-	0	0.00	Not Attempted	-	100	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Thinking Skills Course Quiz (Cognitive Awareness)	E-Learning Course	Jan 31, 2024	Jan 31, 2024	*	*	Passed	100	75	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Unit 1: Beginnings (Cognitive Awareness)	E-Learning Course	Jun 18, 2023	Jan 31, 2024	*	*	Complete	0	-	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Unit 2: The Subconscious Mind (Cognitive Awareness)	E-Learning Course	Jan 30, 2024	Jan 30, 2024	*	*	Complete	0	-	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Unit 3: Living Above 500 (Cognitive Awareness)	E-Learning Course	Jan 30, 2024	Jan 31, 2024	*	*	Complete	0	-	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Unit 6: Life and Addictions (Cognitive Awareness)	E-Learning Course	Jan 31, 2024	Jan 31, 2024	*	*	Complete	0	-	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY
Unit 9: How to be Happy and Successful in Life (Cognitive Awareness)	E-Learning Course	Jan 31, 2024	Jan 31, 2024	*	*	Complete	0	-	No	CypherWorx, Inc.	3349 Monroe Avenue, Suite 119, Rochester, NY

EXHIBIT 4

October 1, 2023

The Honorable John A. Mendez
Robert t. Matsui United States Courthouse
501 I street
Sacramento, CA 95814

RE: Kaymeisha Keyes: Sacramento Federal Court Case No. 2022-CR-000174-JAM-1
Dear Honorable John A Mendez,

My name is Valerie Bullock. I am writing to you about Kaymeisha Keyes, my niece. I have lived in Alameda County since birth, but I have relocated to Phoenix, Arizona. I am still very present in Kaymeisha life, the relocation did not interfere with our relationship. I have known Kaymeisha all her life, I was present in the labor and delivery room when she was born.

As for myself, I am a Juvenile Judicial Officer Assistance for Maricopa County. Prior to this position I was a Pharmacy tech for 17 years.

I would like to shed some light and hopefully some grace will produce from this letter on who Kaymeisha is to her family despite the allegations as to why she is before you in your court. Kaymeisha who is known as "Mookie" to her family. She was born with the most beautiful two dimples that we all fell in love with. Kaymeisha was a bright, smart, and intelligent young girl which allowed her to skip a grade in elementary. She spent a tremendous amount of time with her father, until that time was abruptly taken away from her. Unfortunately, on July 14, 1999, her father was killed during a traffic stop by California Highway Patrol Officer. This action has affected Kaymeisha significantly, she was only a 9year old young girl who barely understood what death meant. Since that day her life was put in turmoil with trying to grasp the absence of her father. His death still has effects on her to this present day. Kaymeisha is now a mother to her young son who is the same age that she was at the time her parent was taken away.

I am writing to you to request leniency for Kaymeisha so that she can make sure her son does not feel the absence of a parent. He needs her presence and her love, so he can have a chance at life to become a productive peer among his community. I am and will continue to be Kaymeisha support team during this unfortunate time and beyond. Thank you in advance for taking the time out to consider my letter.

Sincerely,
Valerie Bullock
Phoenix, Az
510.772.1117
Valeriebullock_clardy@yahoo.com

October 1, 2023

Mendez .The Honorable Judge John A

Matsui United States Courthouse .Of Robert T

501 I STREET

SACRAMENTO CA 95814

RE: Kaymeisha Keys; Sacramento Federal Courthouse Case No. 2022-CR-000174

My name is Deshanee Jackson. I am writing to you about kaymeisha Keyes, I have lived in the county of contra costa for 8 years. I have been a home health aide for over 17 years and also providing childcare, I'm currently taking the steps and classes to become a foster parent to help those children in need of a warm and safe home. My relation to the defendant is my first-born daughter, I raised her to be a well-spoken, intelligent & self-sufficient person in the community.

I have always known kaymeisha to be honest, respectful and kind to those around her and to strangers as well she is hard working and has always been a big support with her family and friends. She is a very good naturing mother to one growing son named Jahseer Pullum who will be 9 years on Halloween whose intelligent, well-mannered and also a gentleman in the making he misses his mother dearly and this whole ordeal has been very hard on him as well.

One of her many kind acts she has been very helpful to the homeless during holidays, passing out blankets, socks, winter gear and providing hot meals as well to as many as she can. Shes has contributed with helping me with my disabled clients as well, she would assist me with bathing, dressing and feeding them as well whenever I needed help and I love that about my daughter always going above and beyond.

I, Deshanee Jackson am writing this request of leniency for Kaymeisha Keyes, she has always been good for the community and I hope she will be released and return to her son & family who misses her dearly I am thankful & honored you took the time for considering my thoughts on the subject at hand and I hope my insight on Kaymeisha Keyes can shed some light on the person she truly is.

BEST REGARDS,

Deshanee Jackson

(415) 240 -3133

215 Heron Dr

Pittsburg, CA 94565

Regina Robinson

Scribbles Childcare

Oakland Ca 94618

Reginab135@icloud.com

03/17/2014

To Whom It May Concern:

I am writing to provide a character reference for Kaymeisha Keyes, who is currently facing sentencing before your court. While Kaymeisha has encountered numerous challenges and adversities, I firmly believe she is deserving of a lenient sentence, considering her circumstances and her commitment to rehabilitation.

Throughout her life, Kaymeisha has faced many trials and tribulations. Despite these obstacles, she has demonstrated resilience, perseverance, and a strong desire to better herself for the sake of her son and her future. Her dedication to her son's well-being is evident, and it serves as a driving force behind her determination to turn her life around.

It is my sincere belief that Kaymeisha is worthy of a second chance to rehabilitate herself and reintegrate into society in a positive manner. She acknowledges her past mistakes and is committed to making amends and becoming a productive member of society.

Kaymeisha possesses the potential to contribute positively to her community, given the opportunity and appropriate support.

I urge the court to consider Kaymeisha's circumstances, her remorse, and her commitment to change when determining an appropriate sentence. Thank you for considering my perspective on this matter. Please feel free to contact me if you require any further information.

Sincerely, Regina Robinson

The Honorable John A. Mendez
Robert t. Matsui United States Courthouse
501 I Street
Sacramento, CA 95814

Re: Kaymeisha Keyes ; Sacramento Federal Court Case No. 2022-CR-000174-JAM-1

Dear Honorable John A. Mendez,

My name is Rozetta Davis and I am writing to you about Kaymeisha Keys. I do not live in Sacramento County, but I am from the Bay Area and have lived here my whole life. I am currently a caregiver to my son and have been doing that for the past 28 years. I have known Kaymeisha since she was born. She has always been kind, intelligent, and hardworking. She always put her family and friends in the highest regards and as an adult and mother made sure that she could always support them.

As I stated above, I have been a caregiver for my child since his birth. He was born with heart disease and was mentally delayed. Because of the supportive, attentive, caring person Kaymiesha has always been, I never thought twice about leaving my child in her care. Even in her teenage years she was responsible enough to care for my disabled son. I have never known Kaymeisha to be dishonest in any way. Kaymeisha has always been a special person in my family's life and she will always have our love and support.

I am writing to you not only to give you a glimpse of the kind of person Kaymeisha has always been, but to also ask that you show leniency for Kaymeisha. Her friends and family need her. She is the essence of our family and her absence will be strongly felt. I would like to thank you for taking the time to listen to my description of the person I know and love . Hopefully you can see the type of person Kaymeisha really is and show her grace.

Thank you in advance for your consideration,

Rozetta Davis
861 S 46th Street
Richmond, CA 94894
510.764.2953